

### REMARKS

Claims 1-26 are pending, with claims 1, 8, 15, 18, 21, and 24 being independent. Claims 1, 8, 15, 18, 19, 21, and 24 have been amended, as such, claims 1-26 remain pending in the application. No new matter has been entered by way of these amendments.

The Applicant thanks the Examiner for the courtesy of attending a telephone interview with the Applicant's representatives, Mr. Jeffrey Barclay (Reg. No. 48,950) and Ms. Yina Mo, on January 29, 2008. During the interview, the pending claims and references cited in the present action were discussed.

Favorable reconsideration is respectfully requested in view of the above amendments and the following comments of the Applicants, which are proceeded by related comments of the Examiner in small bold type:

**Claims 1,3-5, 7-8, 10-12, 14-15, 17-18, 20-21, 23-24 and 26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 4-5, 7-9, 11-12, 14-15, 16, 18-19, 21-22, and 24-25, of copending Application No. 10/749,792, respectively, in view of Salett et al (US 6,490,276). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims recite substantially same limitations, except delivering the packet to an exception processor being shared by the packet forwarding device in the stack. Salett discloses a method for forwarding a data frame from a first switch to a second switch, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Salett's method of forwarding data frames to the instance application in order to transmit data effectively.**

Applicant will consider filing a terminal disclaimer upon an indication of allowable subject matter.

**Claims 1-4, 7-11, 14-17 and 18-26 are rejected under 35 U.S.C. 103(a) as being anticipated by Asano et al (US 2002/0176426), in view of Salett et al (US 6,490,276), and further in view of Kalkunte et al (US 7,139,269).**

Amended claim 1 describes a method associated with packet delivery. The method includes receiving a packet at a first packet forwarding device in a stack of packet forwarding devices configured to direct the packet to a destination external to the stack. An exception

associated with the packet is identified, in which the exception includes an occurrence of the external destination of the packet as being unidentifiable. The method also includes inserting a vector in the packet to indicate the identified exception. The packet is delivered, based on the inserted vector, to an exception processor for processing the packet. The exception processor is shared by the packet forwarding devices in the stack. The method also includes delivering the processed packet from the exception processor to one or more of the packet forwarding devices in the stack to direct the packet to the destination external to the stack.

The Examiner appears to concede that Asano does not describe and would not have made obvious (1) inserting a vector in the packet to indicate the identified exception and delivering the packet based on the inserted vector (2) to an exception processor for processing, the exception processor being shared by the packet forwarding devices in the stack (office action at page 4).

The Examiner is understood to assert that Salett describes inserting a vector in the packet to indicate the identified exception and delivering the packet based on the inserted vector and remedies the deficiency (1) of Asano (office action at page 4).

The applicant respectfully disagrees. While Salett appears to update a packet header to indicate source and destination information (column 3, lines 15-21 and 44-63), Salett does not *insert a vector to indicate an identified exception*. Since Salett describes inserting source and destination information into packet headers, none of packets would be associated with, or need to identify an exception. In particular, being provided destination information, Salett's packets lacks the need of being associated with an exception that represents an unidentifiable external destination (of the packet).

In replies to previous office actions, the applicant has provided similar remarks regarding Salett. In particular, to remedy the deficiencies of Asano, Salett not only needs to insert vectors, but also needs to insert the vector to indicate an identified exception. However, Salett lacks such disclosure and does not describe or suggest these features. As such, the applicant respectfully requests that the Examiner particularly identify the portion of Salett (or another reference) that teaches inserting a vector to indicate an identified exception, as required by amended independent claim 1.

The Examiner appears to assert that Kalkunte describes an exception processor capable of being delivered a packet with an identified exception, and is also shared by packet forwarding devices in a stack (office action at page 4).

The applicant respectfully disagrees. Kalkunte's port 8 of FIG. 41 is not an exception processor that receives a packet with an identified exception. Nor is port 8 an exception processor shared by a stack of packet forwarding devices that directs the packet to an external destination. Rather, port 8 is a destination port that receives packets from source ports 1-6 (col. 30, lines 12-23), and appears silent in regarding to exception processing of packets.

Similar to Salett, in previous office action replies, the applicant has provided similar remarks regarding Kalkunte. Particularly, that Kalkunte's port 8 is not, nor suggest, an exception processor to receive packets with identified exceptions. Further, Kalkunte's port 8 is not shared by the packet forwarding devices in the stack. As such, the applicant respectfully requests that the Examiner particularly identify the portion of Kalkunte (or another reference) exception processor features of amended independent claim 1.

In addition, amended independent claim 1 also recites delivering the processed packet from the exception processor to one or more of the packet forwarding devices of the stack to direct the packet to the destination external to the stack. None of the three references, alone or in combination, are understood to describe or would have made obvious this feature.

Amended independent claims 8, 15, 18, 21, and 24 each contain features similar to those contained in amended claim 1 and are patentable for at least the reasons discussed with respect to claim 1.

Dependent claims 2-4, 9-11, 14, 16-17, 19-20, 22-23, and 25-26 are also patentable over Asano, Salett, and Kalkunte, for at least the reasons set forth in its corresponding independent claim and, as such, has not been addressed specifically herein.

**Claims 5-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano-Salett-Kalkunte as respectively applied to claims 1 and 8 above, in view of Abali et al (US 5,721,820), hereinafter Abali.**

As explained above, claims 5-6 and 12-13 are patentable over Asano, Salett, and Kalkunte. Abali does not remedy the deficiencies of Asano, Salett, and Kalkunte. For example,

Abali does not describe and would not have made obvious inserting a vector in a packet for delivering the packet to an exception processor being shared by packet forwarding devices in a stack, as recited by amended independent claims 1 and 8, from which claims 5-6 and 12-13 depend, respectively.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2191.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 18 February 2009

  
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